

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ANDREW A. HERZOG,**

**Petitioner,**

**V.**

**TOM SOONTUG, Chairman,  
Cheyenne County Mental Health  
Board,**

**Respondent.**

**CASE NO. 8:08CV255**

# MEMORANDUM AND ORDER

This matter is before the court on its own motion. On June 23, 2008, Petitioner Andrew A. Herzog, filed an unsigned Petition for Writ of Habeas Corpus. ([Filing No. 1.](#)) That same day, the Clerk of the court entered a Text Notice of Deficiency. (Filing No. 3.) The Text Notice gave Petitioner 15 days to correct the signature deficiency. It also warned Petitioner that the court could strike his Petition from the record if he failed to correct the deficiency. (*Id.*)

As of the date of this Memorandum and Order, the Petition remains unsigned. Although Petitioner is proceeding *pro se*, he, or someone acting on his behalf, is still required to sign the Petition. [28 U.S.C. § 2242](#) (stating that an “[a]pplication for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf”). On the court’s own motion, Petitioner shall have an additional 20 days to correct the signature deficiency. Petitioner is warned that if he fails to correct the deficiency, this case will be dismissed without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. Petitioner shall have until October 22, 2008, to sign his Petition for Writ of Habeas Corpus. Petitioner is warned that if he fails to sign the Petition, this case will be dismissed without prejudice and without further notice; and
2. The Clerk of the court is directed to set a pro se case management deadline with the following text: October 22, 2008: Deadline for Petitioner to correct signature deficiency.

DATED this 1<sup>st</sup> day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge